

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 FEB 23 AM 10:55

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEPUTY CLERK

NT

UNITED STATES OF AMERICA

NO. 3:15-CR-411-K

V.

AMECHI COLVIS AMUEGBUNAM (1)

FACTUAL RÉSUMÉ

Amechi Colvis Amuegbunam (Amuegbunam), the defendant's attorney Ezekiel Tyson Jr., and the United States of America (the government) agree as follows:

Elements:

1. In order for Amechi Colvis Amuegbunam to be convicted at trial of a violation of 18 U.S.C. § 371 (18 U.S.C. § 1343), the United States would have to prove each of the following elements of the offense beyond a reasonable doubt:

- First: Amuegbunam and at least one other person made an agreement to commit the crime of wire fraud as charged in the Superseding Information (see elements below);
- Second: Amuegbunam knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and
- Third: One of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the Superseding Information, in order to accomplish some object or purpose of the conspiracy.

2. The essential elements of a violation of 18 U.S.C. §1343 are as follows:

- First: that a conspirator knowingly created a scheme to defraud, that is to obtain money and property by means of false or fraudulent pretense, representations, or promises, as charged in the Superseding Information;
- Second: that the scheme to defraud employed false material representations;
- Third: that a conspirator used interstate wire communications facilities or caused another to use interstate wire communications facilities for the purpose of carrying out the scheme; and
- Fourth: that a conspirator acted with a specific intent to defraud.

FACTS:

3. Between November 2013 and August 2015, Amuegbunam agreed with his coconspirators to engage in a scheme and artifice to defraud companies. The scheme involved sending fictitious emails to the victim companies' corporate controllers causing the controllers to wire transfer funds from the companies' bank accounts to a bank accounts controlled by the coconspirators.

4. During Amuegbunam's participation in the conspiracy, Amuegbunam and his coconspirators registered thousands of fictitious domains, spoofing the domains of the targeted victim companies.

5. During Amuegbunam's participation in the conspiracy, Amuegbunam and his coconspirators obtained the contact information for the corporate executives, to include the corporate controller for the victim companies.

6. During Amuegbunam's participation in the conspiracy, Amuegbunam and his coconspirators created fictitious email accounts for the corporate executives, to include the corporate controller for the victim companies.

7. Amuegbunam and his coconspirators caused the fraudulently obtained funds to be wired to foreign bank accounts. The funds would eventually be divided among the participating coconspirators.

8. Amuegbunam and his coconspirators knew that the corporate controllers believed the emails and the wiring instructions to be legitimate requests the corporate executives, and relied on the representations to initiate the wire transfers.

9. On or about November 5, 2013, Amuegbunam created a PDF document titled CFC CLEANING & SECURITY SERVICE LIMITED WIRE INSTRUCTIONS.PDF bearing wiring instructions to a bank in London, UK.

10. On or about November 6, 2013, Amuegbunam sent an email from a spoofed domain to Victim Company A's corporate controller pretending to be from a corporate executive at Victim Company A, instructing the controller to wire transfer \$98,550.00 pursuant to the attached PDF document titled CFC CLEANING & SECURITY SERVICE LIMITED WIRE INSTRUCTIONS.PDF.

11. By said email and PDF document, Amuegbunam caused Victim Company A's corporate controller to wire transfer \$98,550.00 from Victim Company A's bank account in the Northern District of Texas to a bank in London, UK.
12. On or about May 15, 2014, Amuegbunam created a PDF document titled GREEN EMPIRE VENTURES WIRE INSTRUCTIONS.PDF bearing wiring instructions to a bank in Hong Kong.
13. On or about May 16, 2014, Amuegbunam sent an email from a spoofed domain to Victim Company B's corporate controller pretending to be from a corporate executive at Victim Company B, instructing the controller to wire transfer \$370,455.12 pursuant to the attached PDF document titled GREEN EMPIRE VENTURES WIRE INSTRUCTIONS.PDF.
14. By said email and PDF document, Amuegbunam caused Victim Company B's corporate controller to wire transfer \$370,455.12 from Victim Company B's bank account in the Northern District of Texas to a bank in Hong Kong.
15. On or about May 19, 2014, Amuegbunam created a PDF document titled APEX BASIC LTD WIRE INSTRUCTIONS.PDF bearing wiring instructions to a bank in Hong Kong.

16. On or about May 19, 2014, Amuegbunam sent an email from the reregistered spoofed domain to an accounts payable person at Victim Company B pretending to be from a corporate executive at Victim Company B, instructing the accounts payable person to wire transfer \$274,309.12 to pursuant to the attached PDF document titled APEX BASIC LTD WIRE INSTRUCTIONS.PDF.

17. Amuegbunam understands that as of January 6, 2017, the government could readily prove that Amuegbunam could reasonably foresee the scheme causing an intended loss of approximately \$3,700,000.00 during his participation in the conspiracy. Amuegbunam understands that as of January 6, 2017, the government could readily prove that Amuegbunam could reasonably foresee more than ten (10) victims during his participation in the conspiracy.

Respectfully submitted,

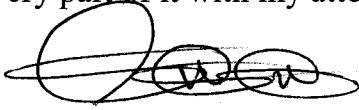
JOHN R. PARKER
UNITED STATES ATTORNEY


CANDINA S. HEATH

1-27-2017
Date

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I have read (or had read to me) this Factual Résumé and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.



AMECHI COLVIS AMUEGBUNAM
Defendant

16-02-2017

Date

I am the defendant's counsel. I have carefully reviewed every part of Factual Résumé with the defendant. To my knowledge and belief, my client's decision to agree to this Factual Résumé is an informed and voluntary one.



EZEKIEL TYSON JR.
Attorney for Defendant

1-31-17

Date